

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROQUE TERCERO-ARANDA,

No. CIV S-03-0460 MCE CMK P

Petitioner,

vs.

ORDER

GARY JOHNSON, et al.,

Respondents.

_____/

Petitioner, a Texas petitioner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 30, 2006, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within ten days. Petitioner has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1 1. The findings and recommendations filed August 30, 2006, are adopted in full; and

2 2. Petitioner's application for a writ of habeas corpus is denied for failure to file an
3 amended petition and for failure to name the correct respondent in his second amended petition.

4 DATED: October 12, 2006

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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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